



Docket No.: IT-206 US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

Date: June 12, 2001

JUN -9 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TC 2800 MAIL ROOM

Applicant : Klaus Schulz et al.

Appl. No. : 09/761,596

Filed : January 16, 2001

Title : Housing for Accepting a Component Which can be Connected to the
Housing in a Pluggable Manner

LETTER

Hon. Commissioner of Patents and Trademarks,
Washington, D. C. 20231

Sir:

The above-mentioned new patent application was filed on January 16, 2001 without a signed oath or declaration, under the provision of 37 C.F.R. 1.53(f), and without a certified English translation.

In accordance with the above-mentioned rule, the signed declaration was forwarded to the Patent Office with a mailing certificate and the surcharge on March 2, 2001. The certified English translation was also forwarded to the patent Office with a mailing certificate and surcharge on March 2, 2001, and resubmitted on April 27, 2001.

Counsel has now received a Notice to File Missing Parts Of Application, dated April 12, 2001. However, as mentioned above, the original signed declaration and certified English translation have already been filed.

Enclosed herewith is another copy of the formal drawings as filed with the application on January 16, 2001, as requested by the Notice To File Missing Parts dated April 12, 2001. It is believed that the attached drawings can be reproduced by digital image scanning and therefore satisfy the requirements for formal drawings as set forth in the attached copy of the official Gazette.

Respectfully submitted,

GREGORY L. MAYBACK

REG NO. 40,719

Date: June 12, 2001

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1. The phrase "same patentable invention" (emphasis in 7 CFR 1.601(n))

vention as an invention "B" when (102) or is obvious (35 U.S.C. 103) on "B" is prior art with respect to patentable invention with respect to new (35 U.S.C. 102) and non- on "B" assuming invention "B" is

in of the Interference Division 1 Interferences confirms that interference-in-fact exists involves a *Fujita*, 53 USPQ2d 1234, USPQ2d 1478 (BPAI 2000):

resumed to be prior art vis-a-vis of Party A must anticipate or Party B and the claimed invention of the claimed invention of Party A, ten regardless of who ultimately PTO) assures itself that it will not invention.

istent with examples set out npanying the final rule, Patent 49 FR 48416 on December directed to Examples 3, 4 and

patentable claims 1 (engine), 2 platinum piston). Application F 12 (8-cylinder engine). Claims 1 2 of application F define the same n E defines a separate patentable tion E and claims 11 and 12 of red, there would be one count id claims 11 and 12 of application s count. Claim 3 of application E the count.

patentable claims 1 (engine), 2 platinum piston). Application H nd 15 (engine with a platinum 1 claim 11 of application H define f application G and claim 15 of invention from claims 1 and 2 of H. If an interference is declared, ne) and Count 2 (engine with a ion G and claim 11 of application ount 1. Claim 3 of application G igned to correspond to Count 2. atentable claims 1 (engine), 2 and 3 (combination of an engine, plication K contains patentable engine and a carburetor), and 33 and an air filter). The engine, and combination of an engine, tentable invention. The combina- tic converter define a separate rference is declared, there would plication J and claims 31, 32, and correspond to the count. Claim 3 s corresponding to the count.

inged so that Application E ith a platinum piston), no e there is no interference-in- and claims 1-2 of Application of Application F would not ie with a platinum piston of similar rationale, if the facts application J contained only a carburetor, and a catalytic declared because there is no of Application J and claims

suggested that there may be e an interference should be n to expand the nature of a resource consequence for es involved in interferences. ices of the Board of Patent o resolve interferences, not-

withstanding the fact that there are many more appeals than interferences. USPTO has received many reports that interferences involve considerable costs for applicants and patentees. Additionally, there is no desire on the part of USPTO, and no authority under the law, to turn interference proceedings under 35 U.S.C. 135(a) into pre-grant oppositions or post-grant cancellations. Accordingly, USPTO is reluctant, at this time, to expand the circumstances under which an interference might be declared or maintained absent a compelling reason.

This notice provides interested parties with an opportunity to comment and make out a case that the nature of interferences should be expanded beyond the current practice. If a one-way patentability analysis is sufficient to establish an interference-in-fact, would it be possible to have an interference with two counts as set out in Example 4, reproduced above? How would having an interference between claim 1 of application G and claim 15 of application H of Example 4 square with the holding of *Nitz v. Ehrenreich*, 537 F.2d 539, 543, 190 USPQ 413, 416-17 (CCPA 1976)? If a one-way patentability analysis is sufficient, what would it take to establish that there is no interference-in-fact in a given case?

Comment Format

Comments should be submitted in electronic form if possible, either via the Internet or on a 3 1/4-inch diskette. Comments submitted in electronic form should be submitted as ASCII text. Special characters, proprietary formats, and encryption should not be used.

Authority: 35 U.S.C. 2(b)(2)(A), 3(a)(2), 135(a).

December 14, 2000

Q. TODD DICKINSON
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

Drawings in Patent Application Publications and Patents

The United States Patent and Trademark Office (USPTO) has revised its patent drawing review procedures to implement the eighteen-month publication of patent applications. See *Changes to Implement Eighteen-Month Publication of Patent Applications*, 65 Fed. Reg. 57023, 57026-27 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 65-66 (Oct. 10, 2000). While the Office of Initial Patent Examination (OIPE) will perform an initial review of drawings to see if the drawings are acceptable for publication purposes by inspecting the drawings to see if they can be effectively reproduced by digital image scanning, the standard of review employed by OIPE is such that most drawings will be considered acceptable (even if they are designated by applicant as "informal"). If OIPE requires corrected drawings, the corrected drawings filed in reply to the OIPE requirement will be included in any patent application publication or patent. Otherwise, in most situations, patent application publications and patents will reflect the quality of the drawings that are included with a patent application on filing unless applicant voluntarily submits better quality drawings as set forth below.

If applicant desires to have better drawings included in a patent application publication than the drawings that were submitted with the application on filing, applicant may submit replacement drawings on paper either within one month from the filing date of the application or fourteen months from the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later. The replacement paper drawings must be filed in an envelope addressed to BOX PGPUB DRAWINGS, Commissioner for Patents, Washington D.C. 20231, with a petition under 37 CFR 1.182 requesting entry of the drawings and the petition fee set forth in 37 CFR 1.17(h), in the time period set forth above. If such drawings are properly and timely submitted, the patent application publication will include the replacement drawings. Replacement drawings that are received later than this date may be

included in the patent application publication, where practicable, if the USPTO has not started the patent application publication process.

Box PGPUB DRAWINGS should only be used for filing replacement drawings for inclusion in a patent application publication. The replacement drawings should be accompanied by a transmittal letter identifying the application to which the replacement drawings are directed and should have either an authorization to charge the petition fee or other payment of the petition fee. Replacement drawings received in this special box will be scanned and included in the electronic document which will be used for the patent application publication. After the replacement drawings are scanned for the patent application publication, they will be made of record in the application file. Replacement drawings that are not mailed to BOX PGPUB DRAWINGS, are not filed with the appropriate petition fee, or are not timely submitted will be routed to, and made of record in, the application file without scanning and will not be included in the patent application publication, but may be included in any patent. Replacement drawings for other applications must be submitted in a different envelope.

An applicant may also provide a copy of the application, as amended during prosecution (including better replacement drawings), for publication via EFS. See 37 CFR 1.215(c) and *Changes to Implement Eighteen-Month Publication of Patent Applications*, 65 Fed. Reg. 57024, 57036 and 57059, 1239 Off. Gaz. Pat. Office 63, 74 and 94.

Questions regarding this notice may be directed to Karin Tyson, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (703) 306-3159, by facsimile at (703) 872-9411, or by e-mail to karin.tyson@uspto.gov.

December 18, 2000

NICHOLAS P. GODICI
Commissioner for Patents

DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
37 CFR Parts 1 and 104
RIN 0651-AB22

Legal Processes

AGENCY: Office of the General Counsel, United States Patent and Trademark Office, Commerce.

ACTION: Proposed rule.

SUMMARY: The United States Patent and Trademark Office proposes rules relating to civil actions and claims involving the Office. Specifically, the rules will provide procedures for service of process, for obtaining Office documents and employee testimony, for indemnifying employees, and for making a claim against the Office under the Federal Tort Claims Act.

DATES: Submit comments on or before January 22, 2001.

ADDRESSES: Send all comments:

1. Electronically to "PBORulemaking@uspto.gov, Subject: "Legal Process Rules";
 2. By mail to Director of the United States Patent and Trademark Office, Box 8, Washington, DC 20231, ATTN: Legal Process Rules; or
 3. By facsimile to 703-305-9373, ATTN: Legal Process Rules.
- A copy of any comments regarding the information collection requirements may instead be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 725 17th Street, NW., Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Richard Torzon, 703-305-9035.

SUPPLEMENTARY

Comment format

The Office prefers via the Internet or in electronic form characters and en

Background

The Patent and Trademark Office (Public Law 106- the Patent and Trademark Office sibility for its responsibility for ment of Commerce substance and sco but where possibl tailored to reflect These proposed convenience.

General Provisions

The general provision waiver provision part. Filing of a p action required of Code of Federal fee.

Service of Process

The Patent and Trademark Office process. 37 CFR Patent and Trademark Department of Commerce substantially the rules. The Office the specific practice the rules. The pr Office and its em When the Office official capacity, t receipt for registe following statem The Office will r individual capaci

Employee Testimony

The Patent and Trademark Office testimony and d Those rules were and Trademark Office judicial nature of positions. *Wester* 428, 431, 8 USP Trademark Office rules. 15 CFR pa differ from the f respects. First, th specific and recu from quasi-judic Second, the Dep ployees within th tailored to the pr of the Departme within the scope The inclusion is appropriate si privileges of the simply because a by former empl avoided or resolv *Friedman v. Lehu*



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/761,596	01/16/2001	Klaus Schulz	IT-206 US

CONFIRMATION NO. 5810

FORMALITIES LETTER



OC000000005961077

LERNER AND GREENBERG, P.A.
PATENT ATTORNEYS AND ATTORNEYS AT LAW
Post Office Box 2480
Hollywood, FL 33022-2480

Date Mailed: 04/12/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE